

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

LAREDO DIVISION

UNITED STATES OF AMERICA,

VS.

LUIS ALBERTO LUNA-LOPEZ,

§
§
§
§
§
§

CASE NO. L-05-MJ-2784

ORDER OF DETENTION PENDING TRIAL

A detention hearing in accordance with 18 U.S.C. §3142(f) has been held in this case. I find that the following facts are established by clear and convincing evidence and that they REQUIRE THE DETENTION of the defendant, LUIS ALBERTO LUNA-LOPEZ, pending trial in this case.

FINDINGS OF FACT

- 1) There exists probable cause to believe that the Defendant has committed an offense for which the maximum term of imprisonment is ten (10) years or greater as defined by the Controlled Substances Act (21 U.S.C. §801 et. seq.).
- 2) The Defendant is a Mexican Citizen with no legal status in this country.
- 3) The Defendant, though counsel, waived his rights to the hearing and offered no evidence of any kind.

REASONS FOR DETENTION

The evidence contained in the criminal complaint establishes probable cause to believe the Defendant has violated 21 U.S.C. §841(a)(1). This charge provides for a maximum sentence of ten (10) years or more imprisonment under the Controlled Substances Act (21 U.S.C. § 801 et. seq.). Since probable cause exists to believe that the Defendant committed these crimes, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. The Defendant has failed to produce facts which will rebut this presumption in light of the findings above.

Additionally, this division is situated on the Mexican border, and this courthouse is but a few blocks from the international bridge. Absent some recent change in legal developments of which this Court is unaware, were the Defendant to go to Mexico, by the simple expedient of walking across the bridge, he would be virtually immune from extradition and from the laws of this country. Under these

circumstances, the Court believes that the temptation to flee will be very great. Therefore, pre-trial detention is warranted in this case.

DIRECTIONS REGARDING DETENTION

The Defendant is committed to the custody of the United States Marshal for the Southern District of Texas, Laredo, Texas for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 14th day of November, 2005.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE